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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
NEWPORT NEWS DIVISION

- - - - - x
GAVIN GRIMM, :
Plaintiff, :
v. : Case No.
GLOUCESTER COUNTY SCHOOL : 4:15-cv-54
BOARD, :
Defendant. :

- - - - - x

Deposition of GAVIN GRIMM
Richmond, Virginia
Friday, October 19, 2018
9:40 a.m.

Job No.: 207940
Pages: 1 - 177
Reported By: Leslie D. Etheredge, RMR, CCR

1 Q And how long did y'all live at that
2 particular address?

3 A From birth until moving to California.

4 Q What is your date of birth?

5 A **REDACTED**

6 Q Are you currently employed?

7 A I am not on an official payroll, I do some
8 freelance activism.

9 Q So what does that mean? What is freelance
10 activism?

11 A I may be invited to speak at a college or
12 at a conference, and sometimes there is monetary
13 compensation.

14 Q What determines whether there is monetary
15 compensation?

16 A The ability of the requester.

17 Q So give me an example of what you are
18 talking about.

19 A For example, should a middle school invite
20 me to talk to their GSA, I would never ask for
21 financial compensation, but should I go to a more
22 professional event, which would probably have a

1 A I don't recall. I recall having spoken to
2 him but not about what or why.

3 Q How about your senior year, did anybody
4 talk to you about going to college or where you
5 were going to college or, you know, any type of
6 counseling-type role like that?

7 A I really -- I don't recall.

8 Q With respect to Miss Durr, what do you
9 recall in terms of any interactions you had with
10 her?

11 A I really don't. I just recall that we had
12 spoken at various points. Oh, may I correct
13 myself?

14 Q Yes.

15 A Miss --

16 Q You can always correct yourself, just so
17 you know.

18 A Miss Durr was the person that my mother
19 and I contacted ahead of beginning sophomore year.

20 Q Right. I was going to talk to you about
21 that, and we will talk in detail about that.
22 Other than that, do you remember you and her

1 having conversations, her being supportive,
2 nonsupportive, helpful, not helpful, or how did
3 you perceive things between you and her during
4 that sophomore year, when she was, according to
5 her, assigned to you?

6 A I don't ever recall her being malicious;
7 however, I also cannot recall any individual
8 conversations that we had.

9 Q So would you say it was neutral, or would
10 you say it was unhelpful or just kind of just
11 really nothing?

12 A I would say that I don't recall.

13 Q Okay. Let's go to the specific
14 conversation at the start of sophomore year, which
15 you mentioned you and your mom and Miss Durr.
16 What do you recall about that?

17 A I recall that my mother and I approached
18 her and informed her that I am a boy and my name
19 is Gavin and had a discussion about what that
20 meant for starting the school year.

21 Q What do you recall about the discussion,
22 what was said?

1 A I really don't recall anything else.

2 Q And did you speak?

3 A I don't recall.

4 Q How was the meeting arranged, if you
5 recall?

6 A I don't. I'm sorry.

7 Q What was the result of the meeting, at
8 least your understanding of the result of the
9 meeting?

10 A I cannot recall clearly.

11 Q Any aspect that you recall?

12 A No. I am sorry, I can't.

13 Q At some point, you were -- it was agreed
14 that you would go to school as Gavin.

15 A Yes.

16 Q Is that correct?

17 A Yes.

18 Q And that you would be called by male
19 pronouns?

20 A Yes.

21 Q What else is your understanding
22 eventually, when school started, in terms of what

1 wrong gender?

2 A Yes.

3 Q How about any staff or faculty?

4 A I don't recall any intentional examples.

5 Q Do you recall any accidental examples? I
6 mean the thing that was mentioned previously was
7 that maybe your name was still another name on a
8 piece of paper and someone said that name, not
9 knowing, and then -- but that would not be
10 intentional.

11 A Right. I recall that there were a few
12 instances of what I assumed to be unintentional
13 misgendering or deadnaming; however, I do not
14 recall who or in what year that those things
15 occurred.

16 Q Deadnaming?

17 A For example, referring to me with the name
18 that was given to me at birth.

19 Q That's called deadnaming?

20 A Yes, sir.

21 Q So just to make sure we are clear, to your
22 recollection, there was no staff or faculty who

1 MR. CORRIGAN: We have been going a while.
2 Why don't we take a minute.

3 (Recess from 10:28 a.m. to 10:45 a.m.)

4 A Sir, I have recalled a few different
5 details to share with you.

6 Q Sure.

7 A The first being that, when I did meet with
8 Tiffany Durr, I do not think it is accurate that I
9 requested the use of the nurse's restroom, I --
10 more accurately, I believe it was an option
11 offered to me, which I then accepted.

12 Additionally, I have a few antidotes from,
13 you know, growing up, which follows the line of
14 inquiry about, you know, male expressions.

15 The first being in middle school -- I
16 expressed that I didn't really have friends in
17 middle school, and the group of friends I
18 mentioned in high school, we met in middle school;
19 however, at that point they had not become my core
20 groups of friends, which was why I phrased that
21 the way I did; however, at some point in --
22 actually, pardon me. Do you -- does --

1 homebound status, so it was before that is the
2 last time you think you used the girls' restroom?

3 A Yes. I began avoiding it before that
4 point, which -- in -- contributed to the overall,
5 you know, complication of remaining at school.

6 Q Because you didn't want to use the girls'
7 restroom?

8 A Right. However, it was not something I
9 could vocalize to others at that time because I
10 was not out, out being that I had not announced
11 myself as a boy to others yet.

12 Q And since then, you have not used the
13 girls' restroom at Gloucester High School?

14 A No.

15 Q Not at all in the 11th grade, not at all
16 in the 12th grade?

17 A No.

18 Q Correct?

19 A Correct.

20 Q Do you recall an incident in your art
21 class, Miss Bergh, where you and the student got
22 into an argument, it would have been in that

1 sometime in October of 2014?

2 A 2014?

3 Q I have a record I can show you, but the
4 person's name is blacked out, so I don't know who
5 it was.

6 A Okay.

7 Q And the allegation is something along the
8 lines of the student was saying something like,
9 you know, there is a girl going in the boys' room
10 and you said that's me and then it elevated
11 into -- does that ring a bell?

12 A It does. The conversation that I had
13 overheard was actually that the child was speaking
14 in explicit and highly, highly sexually
15 inappropriate detail about my genitals, talking
16 about what I had, what -- you know, how disgusting
17 I was, how freaky I was, other explicit, you know,
18 assumptions or observations or whatever about, you
19 know, possible genital situations and that kind of
20 thing.

21 At that time, I had walked over and I said
22 you really should stop saying things like this,

1 because he had identified me as my brother's
2 sister, and he -- I was in that class with him,
3 and he was aware that I was that person, and so I
4 was like this is disgusting, you need to stop.

5 At that point actually he stood up, who do
6 you think you are talking to. You know, my
7 position initially was to kind of ask him to like
8 please stop, and then his position was to yell and
9 escalate and continue to insult and berate me,
10 which resulted in disciplinary action for both of
11 us.

12 Q When was that, do you remember?

13 A No, not other than what you have, what you
14 have identified.

15 MR. CORRIGAN: Okay. I will go ahead and
16 get this marked.

17 (G. Grimm Deposition Exhibit 1 was marked
18 for identification and is attached to the
19 transcript.)

20 Q Okay. Take a minute and read that. That
21 has been marked as Exhibit 1. I am asking you, as
22 best you can recall, whether this is the incident

1 we were just discussing or describes the incident
2 we were just discussing.

3 A So reading this did remind me of a detail.
4 The statement that Miss Bergh had said to me at
5 the time, where she was recommending disciplinary
6 action, was that she was positive that it was
7 going to be a physical fight. I absolutely
8 dispute that, I had had no intentions of
9 physically fighting with anybody. I -- my only
10 position was to say like you -- like stop saying
11 these things, and his position was to escalate.

12 And also importantly, we were on other
13 sides of the table, and neither of us ever moved
14 to get closer to each other as well, so I contest
15 that there was a possibility of physical fight.

16 But I believe that was the grounds under
17 which she recommended disciplinary action.

18 Q Okay. Do you remember what the
19 disciplinary action was?

20 A I -- I don't -- I don't recall if I was
21 suspended in or out of school or for how many days
22 or if it was just detention or something, I really

1 of course, the function is that it presses the
2 tissue down against your lungs, and so that does
3 restrict some movement, and then, on top of that,
4 that garment did not pair very well with the gym
5 uniform because the garment was slick and so were
6 the pants and the shirt, and so with the garment
7 on, the pants would not stay up and that kind of
8 thing.

9 Q Where did the garment -- describe the
10 garment for me.

11 A A tank top but that is of a somewhat
12 stretchy material but that is nonelastic enough
13 that it forces tissue to compress.

14 Q So did you request to do your PE class
15 online?

16 A I did.

17 Q Okay. Was there ever any discussion about
18 doing it any other way?

19 A What I recall of the conversation was that
20 I don't recall who I approached truthfully, but I
21 approached someone and said this is just not going
22 to be possible for me, what are my options, and

1 they at that time had offered the virtual program.

2 Q Was it the PE teacher or was it your
3 guidance people or was it someone else, as best
4 you can recall?

5 A I don't recall.

6 Q So there was no time in 10th grade you
7 actually attended a physical PE class at school;
8 is that correct?

9 A Not that I can recall.

10 Q Okay. What do you personally know about
11 any complaints that were received by teachers,
12 administrators or the Superintendent or the School
13 Board with respect to you using the boys'
14 restroom?

15 A Well, that question actually prompted me
16 of a detail that I had previously failed to
17 mention. Do you mind if I --

18 Q Sure.

19 A It is somewhat connected. When you asked
20 about, you know, if I received any adult ridicule
21 or was it peer ridicule and that sort of thing, at
22 both of the School Board meetings, which I

1 without someone telling my side of the story and
2 there would be no one to do that but us.

3 Q So you and your mother decided that the
4 two of you would show up at the School Board
5 meeting to discuss this restroom use issue?

6 A Yes, and I independently decided that I
7 specifically wanted to make a comment.

8 Q What was your thinking on deciding that
9 you wanted to make a comment?

10 A Well, I had already been identified as the
11 student in question, people that had spoken before
12 me had already turned to look directly at me, and,
13 you know, it was not a secret, it was not as if we
14 could pretend like we didn't know who the student
15 was, and so my thought process was that people
16 already have identified me as the transgender
17 child in question, and a decision about my future
18 should not be made without myself at least
19 expressing my input.

20 Q Before you went to the School Board
21 meeting, what information did you have that anyone
22 knew who you were, I mean specifically that this

1 like, you know, that is -- that is David's sister
2 or I know that chick or, you know, that kind of
3 thing, so it was understood fairly generally that
4 I was known to be the child.

5 Q Are you aware of any member of the School
6 Board who identified you before this meeting, in
7 other words, said this is who we are talking
8 about, this person?

9 A During the meeting?

10 Q No. Before the meeting.

11 A I didn't have any conversations with any
12 of them before the meeting.

13 Q I understand. My question, though, is are
14 you aware of any -- of any information that any
15 School Board member identified you before the
16 meeting as the person about whom this discussion
17 was occurring?

18 A No. However, one of the members of the
19 School Board, Kevin Smith, was previously a close
20 family friend, who had spoken to my mother, and I
21 don't know about what, but ahead of the School
22 Board meeting, and he assured her at that time

1 that he would recuse himself from the vote because
2 it was improper for him to make a distinction
3 because he knew us.

4 He then did not do that and, in fact,
5 voted against us instead. He voted, to be clear,
6 vowed to ban me from the boys' restroom instead.

7 Q He voted in favor of the resolution?

8 A Of the proposal that Miss Hook had brought
9 forward, yes. So there was at least one School
10 Board member who was aware of the identity of the
11 child.

12 Q You don't have any information that
13 Mr. Smith told anyone else that you were the
14 child?

15 A I don't have any information that that
16 happened, no. But I -- I also have nothing to,
17 you know, present that ensures that it was not
18 something that happened as well.

19 Q You just don't know?

20 A I don't know.

21 (Discussion held off the record.)

22 Q When did you first see the policy, the

1 at any point.

2 Q Do you have any recollection of how many
3 people spoke at either occasion?

4 A No.

5 Q In your lawsuit, on paragraph 53, it says
6 the policy does not define biological gender and
7 the term has no common or accepted meaning. There
8 are many biological components of sex, including
9 chromosomal, anatomical, hormonal and reproductive
10 elements, some of which could be ambiguous or in
11 conflict within an individual, either because that
12 individual has intersex traits or because that
13 individual has undergone medical care for gender
14 dysphoria.

15 That's what the paragraph says. So I have
16 some questions that I want to ask you, just to
17 make sure I am clear and that the record is clear
18 on this.

19 Do you have intersex traits?

20 A I have never been diagnosed as intersex.

21 Q The terms that are used here, chromosomal,
22 anatomical, hormonal and reproductive elements,

1 what is your understanding of your chromosomal
2 elements?

3 A I -- well, I was assigned female at birth,
4 so I would assume that there are two X
5 chromosomes; however, differences in that are very
6 common, and often you go your whole life without
7 knowing them, so, to my knowledge, XX; however, I
8 don't know that that's ever been formally tested.

9 Q How about anatomical elements. What is
10 your understanding of your anatomical elements?

11 A With respect to what, sir?

12 Q With respect to the many biological
13 components of sex.

14 A Do you mind rephrasing the question?

15 Q Again, the allegation is there are many
16 biological components of sex including
17 chromosomal, anatomical, hormonal and reproductive
18 elements, some of which could be ambiguous or in
19 conflict within an individual, either because that
20 individual has intersex traits or because that
21 individual has undergone medical care for gender
22 dysphoria.

1 know, you are not supposed to be in here, that
2 happened a few times in public, where women would
3 say that I was in the wrong place and I needed to
4 leave.

5 Q All right. How about specific -- your
6 specific -- I guess that goes over to reproductive
7 elements.

8 Same question. What are the -- your
9 reproductive elements.

10 A If I may clarify, are you asking what
11 procedures I may or may not have had?

12 Q Sure.

13 A Okay. I do not have breasts, and I do not
14 have the ability to bear children because of
15 hormone replacement therapy, basically making that
16 not something that I can do.

17 Q Let's go back to on November 11, 2014 and
18 December 9, 2014, in terms of your reproductive
19 elements, what was the status then?

20 A In 2014 you said?

21 Q Yes, sir.

22 A That would have been that I had present

1 breasts and was by -- I had yet to go through
2 hormone replacement therapy; however, I -- again,
3 I used a chest-binding garment every single
4 solitary time I stepped out of the house, so the
5 appearance to pretty much everyone was that I did
6 not have breasts.

7 Q Okay. What about the actual reproductive
8 elements at that time?

9 A Well, I had gone -- at that point I had
10 gone through female puberty and had done nothing
11 to disrupt the functions of those organs, so those
12 were fully functioning.

13 Q Okay. Then the last one is hormonal is
14 the other term that is used in the description of
15 the many biological components of sex.

16 What are the hormonal elements in December
17 or November 11th and December 9th of 2014?

18 A Well, the hormonal elements would be that
19 I was yet to -- I was not yet receiving
20 testosterone injections and that my body was
21 producing estrogen; however, that my free
22 testosterone levels were elevated enough for a

1 Q My question is when did you become aware
2 they were going to do that.

3 A Yes, sir. I misunderstood. Press release
4 wise, I thought you were referring to what was
5 said at the meeting, I apologize.

6 When I became aware that those bathrooms
7 were being constructed was I suppose when they --
8 when the construction began, which was before the
9 second School Board meeting, as far as I can
10 recall.

11 Q Okay. When you became aware that they
12 were, in fact, going to create single stall,
13 unisex restrooms for all students, not designated
14 Gavin's restroom, but the statement is for all
15 students, did you consider that as whether that
16 would meet your needs?

17 A Absolutely not.

18 Q And what did you consider? What did you
19 decide, who did you speak with about that?

20 A I -- I don't recall who I approached or if
21 I approached anyone from school at that point. I
22 believe somewhere in that time period was when I

1 Q And did anyone accompany you?

2 A My mother.

3 Q Chest reconstruction surgery in June 2016;
4 is that correct?

5 A Yes.

6 Q Who performed?

7 A Dr. Hope Sherie.

8 Q How do you spell Sherie?

9 A S-H-E-R-I-E.

10 Q Was that at VCU?

11 A No. That was not at VCU.

12 Q Where was that?

13 A That was in either Charlotte or
14 Charlottesville, I don't recall -- I have the
15 names mixed up, but it was in North Carolina.

16 Q Okay. Was that a double mastectomy
17 essentially?

18 A Yes.

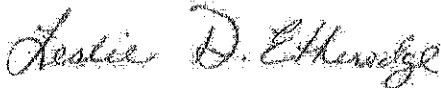
19 Q What documentation or other information
20 did Dr. Sherie require before she performed that
21 surgery?

22 A As I was a -- I believe, if I am recalling

1 CERTIFICATE OF SHORTHAND REPORTER - NOTARY PUBLIC

2 I, LESLIE D. ETHEREDGE, Registered Merit
3 Reporter, Certified Court Reporter and Notary
4 Public, the officer before whom the foregoing
5 deposition of GAVIN GRIMM was taken, do hereby
6 certify that the foregoing transcript of the
7 deposition is true and correct to the best of my
8 ability; that said testimony was taken by me
9 stenographically and thereafter reduced to
10 typewriting under my direction; that reading and
11 signing was requested; and that I am neither
12 counsel for, related to, nor employed by any of
13 the parties to this case and have no interest,
14 financial or otherwise, in its outcome.

15 IN WITNESS WHEREOF, I have hereunto set my
16 hand this 5th day of November, 2018.

17 
18

19 LESLIE D. ETHEREDGE, Notary Public in
20 and for the Commonwealth of Virginia
21 Registration No: 116406
22 My commission expires February 28, 2019